

REMARKS

Applicants respectfully request further examination and reconsideration in view of the amendments above and the arguments set forth fully below. Claims 1-24 were previously pending in this application. By the above amendments, claims 1, 7, 14, and 19 are amended. Claim 15 is canceled. Accordingly, claims 1-14 and 16-24 are currently pending.

Claim Amendments

Each of the independent claims 1, 7, 14, and 19 are amended to include the claim limitation of transmitting a new updated mailbox content list to the wireless device after a user accesses the message list using means other than the wireless device. This subject matter was previously included in the dependent claim 15, now canceled. As such, the claim amendments made to claims 1, 7, 14, and 19 do not include new matter, and do not raise new issues, and therefore should be considered.

Rejections Under 35 U.S.C. § 102 and 103

Within the Office Action, claims 1, 2, 4-7, 9-14, 16-20, and 22-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,333,973 issued to Smith et al. (hereinafter "Smith"). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent Publication No. 2002/0087643 issued to Parsons et al. (hereinafter "Parsons"). The Applicants respectfully traverse this rejection.

The amended independent claim 1 is amended to include the limitation "transmitting a new updated mailbox content list to the wireless device after a user accesses the message list using means other than the wireless device." The amended independent claims 7, 14, and 19 are similarly amended.

Within the Office Action, it is acknowledged that Smith does not teach transmitting a new updated mailbox content list to the wireless device after a user accesses the message list using means other than the wireless device. Parsons is cited as disclosing this limitation. The Examiner states that Parsons teaches a user accessing a message list using a desktop or remote email client application, and that this reads on the claimed limitation at issue. However, accessing the message list from a means other than the wireless device does not teach both aspects of the claimed limitation "transmitting a new updated mailbox content list to the wireless device after a user accesses the message list using means other than the wireless device" (emphasis added). Instead, Parsons teaches that in response to the user accessing the message list from the desktop or remote email client application (a means other than the

wireless device), a “background” alert in the form of a notification message is sent (Parsons, paragraphs [0030] [0037]). The notification message provides a tally of the number of messages in the message list. For example, a notification message uses notation such as “e-M (3e, 2v*, 1f, 2t, 3c, 1m) [John Smith]”, which indicates the user has received 3 e-mails, 2 voice mails, 1 fax, 2 text messages, 3 CRM events and 1 missed telephone call (Parsons, paragraph [0017]). This notification message is not the same as the claimed updated mailbox content list, where the claimed mailbox content list includes a list of stored messages, where the list is scrollable and each message indicated on the list is able to be selected. In contrast, the notification message of Parsons only includes a tally of the different types of messages. This tally list is not scrollable, and the individual messages indicated by the tallies are not selectable, as claimed. Parsons does provide a notification in response to the user accessing a message list using means other than a wireless device, but the notification provided is not the same as the claimed updated mailbox content list.

For at least this reason, the independent claims 1, 7, 14, and 19 are allowable over Smith in view of Parsons. Because claims 2, 4-6, 9-13, 16-18, 20, and 22-24 are dependent on allowable base claims 1, 7, 14, and 19, the dependent claims 2, 4-6, 9-13, 16-18, 20, and 22-24 are each also allowable.

As a further distinguishing aspect, Smith fails to teach an updated mailbox content list that includes a list of stored messages. The independent claim 1 includes the limitations “the updated mailbox content list comprises a list of stored messages with multiple different message formats”, “forming a first communication link through a wireless network between the server and the wireless device”, “transmitting the updated mailbox content list from the server to the wireless device over the first communication link”, “automatically receiving the updated mailbox content list by the wireless device from the server through the first communication link”, and “disconnecting the first communication link after the wireless device receives the updated mailbox content list.” The independent claims 7, 14, and 19 include similar limitations as claim 1. The claimed limitations indicate that the updated mailbox content list includes a list of stored messages (plural), and the updated mailbox content list is transmitted and received (stored) by the wireless device during a single transmission event. This single event is defined in the claims as the data sent (updated mailbox content list) while the first communication link is formed. During the single transmission, the list of stored messages (in the updated mailbox content list) is sent and stored. As such, in a single transmission event, e.g. while the first communication link is formed and before the first communication link is disconnected, an updated mailbox content list is

transmitted. The updated mailbox content list includes a list of stored messages (plural), not a single message, as in Smith. The claimed updated mailbox content list stored on the wireless device is a result of a single transmission event. Although a “single transmission event” is not explicitly included in the claimed limitations, the same end result is supported. Since a single transmission link (first communication link) is claimed, during which time a list of stored messages is transmitted (the updated mailbox content list), the conclusion is reached that the list of stored messages is sent during a single transmission event.

In contrast, the notification messages list of Smith is a list of stored messages resulting from multiple transmission events, e.g. one transmission event per notification message on the list. Smith teaches that individual messages are sent to a user of a mobile telephone using different types of devices, such as telephones, facsimile equipment, or computers. Each message is stored by the network services provider 1200, which then sends a short notification message to the mobile telephone 1100 notifying the user of the pending message (Smith, col. 4, lines 21-25, lines 53-56, and lines 61-64). Each notification message corresponds to a single message received and stored by the network services provider 1200. The user of the mobile telephone 110 views the notification messages using the message center 6100 on the mobile telephone 1100. A list 7300 within the message center 6100 displays a compilation of all the notification messages sent to the mobile telephone 1100. Each entry in the list 7300 identifies a received notification message (Smith, Fig. 7A; col. 8, lines 35-41). In other words, Smith teaches a received notification messages list, but this list is a compilation of multiple, different notification messages independently sent by the network services provider 1200 to the mobile telephone 1100. Smith does not teach that the network services provider sends a mailbox content list, during a single transmission, that comprises a list of stored messages.

For at least this additional reason, the independent claims 1, 7, 14, and 19 are allowable over Smith in view of Parsons.

Within the Office Action, claims 1, 2, 4-7, 9-14, 16-20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,586 issued to Cloutier et al. (hereinafter “Cloutier”) in view of U.S. Patent No. 6,289,212 issued to Stein et al. (hereinafter “Stein”). The Applicants respectfully traverse this rejection.

The amended independent claim 1 is amended to include the limitation “transmitting a new updated mailbox content list to the wireless device after a user accesses the message list using means other than the wireless device.” The amended independent claims 7, 14, and 19 are similarly amended.

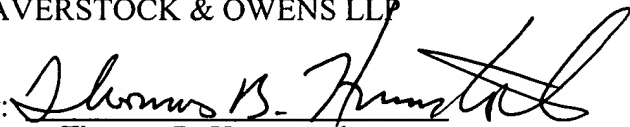
Within the Office Action, it is acknowledged that Cloutier and Stein fail to teach transmitting a new updated mailbox content list to the wireless device after a user accesses the message list using means other than the wireless device. Parsons is cited as disclosing this limitation. As described above, Parsons does not teach a notification including a list of messages that can be scrolled through and individually selected. For at this reason, the independent claims 1, 7, 14, and 19 are allowable over Cloutier in view of Stein in further view of Parsons. Because claims 2, 4-6, 9-13, 16-18, 20, and 22-24 are dependent on allowable base claims 1, 7, 14, and 19, the dependent claims 2, 4-6, 9-13, 16-18, 20, and 22-24 are each also allowable.

Within the Office Action, claims 3, 8, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Applicants Admitted Prior Art. Further, claims 3, 8, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art. Claim 3 is dependent on the independent Claim 1. Claim 8 is dependent on the independent claim 7. Claim 21 is dependent on the independent claim 19. As discussed above, the independent claims 1, 7, and 19 are each allowable. As such, the dependent claims 3, 8, and 21 are each also allowable as being dependent on an allowable base claim.

Within the Office Action, claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Parsons. By the above amendments, claim 15 is canceled.

For at least the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. If the Examiner should have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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CERTIFICATE OF MAILING (37 CFR § 1.8(a))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

9/17/08 **HAVERSTOCK & OWENS LLP.**
Date: 9/17/08 By: 